

REMARKS/ARGUMENTS

Claims 1-2, 4-33, 35-45, and 48-80 are pending, as claims 3, 34 and 46-47 are cancelled herein. Of the remaining pending claims, 1-2, 6, 9-10, 15, 18-20, 25-28, 33, 37, 45, 49-50, 56-60, 64-65 and 67-68 are amended herein. In the referenced Office Action, the Examiner has rejected all claims under 35 U.S.C. § 112, second paragraph, as indefinite. In this respect, the Office Action asserts that a claimed action done “for the purpose of ... collecting information across a domain, compliance with a regulation, statistics, or other purposes” renders the claim indefinite and fails to further claim the invention. Specific examples of indefiniteness are given for claims 15, 19, 20 and 25 only. The Examiner has further rejected all claims under 35 U.S.C. § 102(e) as anticipated by Papierniak (U.S. Patent No. 6,151,584). The Office Action further encourages the Applicant to review Cameron ‘378 (U.S. Pat. No. 5,592,378), Cameron ‘459 (U.S. Pat. No. 5,832,459), Wang (U.S. Pat. No. 6,662,226 B1), and Rebane (U.S. Pat. No. 6,662,192 B1), as being potentially pertinent but not cited for redundancy.

The Applicant does not admit the claims pending prior to these amendments were indefinite, but makes these changes to overcome the indefinite rejections in the most expeditious manner without narrowing their scope. Every claim cited in the Office Action with particularity as indefinite has been amended, as well as other claims with similarly cited language. Should there be further instances of language the Examiner deems indefinite that the Applicant has not addressed, the undersigned welcomes the opportunity to discuss them via teleconference at the Examiner’s discretion.

The Examiner has further rejected all claims under 35 U.S.C. § 102(e) as anticipated by Papierniak. The Applicant has reviewed Papierniak and other references, and they are not seen to disclose all material elements of at least the independent claims. Specifically, claim 1 recites in relevant part (emphasis added):

inputting the electronic commerce transaction to an electronic commerce transaction filter that is interposed between two network components at a location where electronic commerce transaction related messages and message data are cast in a known form;

using the filter to interpret at least one characteristic of the electronic commerce transaction *in a manner that is independent of a particular electronic commerce program that originated the electronic commerce related messages and message data*

The first clause quoted above is for context; the filter operates where the message/data is in a known form. The emphasized text recites that the filter interpret the transaction in a manner that is independent of the program that originated the related message/data. As an example, one way to do this is to use knowledge of the form to interpret the transaction (as explicitly recited in independent claims 32 and 62). Papierniak is not seen to include disclosure relevant to at least this element of the claimed invention, which is present in varying terminology in every independent claim. The language of claim 1 is used below as exemplary.

As detailed in the written description at page 11, lines 6-30 that refer to Figure 2, e-commerce programs 1 through 7 (Ecom1-Ecom7) are different originating programs used by different users or automated e-commerce processes. The messages/data from Ecom1-Ecom 3 pass through communications systems 1-3 (Comm1-Comm3), and each carries a known form, such as the data being encoded according to a specification as described at page 10, lines 12-18. As described there, the known form is independent of the originating programs Ecom1-Ecom3 because other programs, capable of applying that specification to the data encoded by either of Ecom1-Ecom3, can meaningfully process the encoded data. A filter 10 operating on those same messages on the local network-1 of Figure 3 filters the messages according to that known form prior to the messages getting passed to an extended network 1A, and as illustrated in Figure 7, the filtered messages originating from Ecom1-Ecom3 may then be fed to a single administrative tool 22.

As a non-limiting example, a particular advantage of the above approach is in the context of encrypted e-commerce transactions. As described at page 16, lines 8-24 of the written description that refer to Figures 9-10, where encryption is introduced at the Comm level, a filter located at a gateway 24 (Figure 8) to a broader (unsecure) network may not be capable of meaningfully processing encrypted data without violating a security policy of certain network administrators. Positioning the filter 10 at the boundary of the e-

commerce program (Ecom) and the communications component (Comm), as in Figure 10, allows a plurality of filters 10 to operate on unencrypted data, and thereby to filter within the security policy.

As an aside, it is consistent with the above that certain of those further actions may be taken with reference to the originating e-commerce program, as it is the filtering and not necessarily the further action that the claims recite is done independently of the originating e-commerce program. For example, the after-filtering action may be modifying the transaction (claim 4), or applying rules to message contents (claims 16-17). These may include using the originating program, yet the filtering remains independent of it.

Papierniak is seen to operate on a different principle. At col. 5, lines 3-5, Papierniak recites that intelligent control operates on knowledge analysis and discovery of the data contained in a storage module. However, the data entered into the storage module is extracted and translated at col. 4, lines 59-67 in a mapping module that the text recites is as important as the decision-support functions of the Papierniak teachings.

The Office Action does not specify whether extraction operations on the message (that result in data being entered into the Papierniak storage module), or operations on the data already in the Papierniak storage module, constitutes the allegedly anticipatory disclosure. If the Papierniak extraction operations on the messages are not independent of the originating program, then no further operations on the resulting data can be independent of the originating program; that data has been rendered dependent. If Papierniak anticipates the filter of the pending claims, the relevant disclosure must be within the Papierniak extraction operations rather than within the stored data operations.

Papierniak is not seen to disclose, as recited in claim 1, an electronic commerce transaction filter that is interposed between two network components at a location where electronic commerce transaction related messages and message data are cast in a known form, and using that filter to interpret at least one characteristic of the electronic commerce transaction in a manner that is independent of a particular electronic commerce program

that originated the electronic commerce related messages and message data. Such a teaching appears wholly absent from the portions of Papierniak (col. 5, line 19 to col. 6, line 24) cited for such in the Office Action, or any other portion of it.

In the Papierniak method embodiment described at col. 5, lines 19-27, it is stated that the method includes providing a customer with a questionnaire to collect user specified data, collecting that data, and parsing it. As Papierniak itself provides the questionnaire, messages from all users in this embodiment are encoded with the same originating software program. While Papierniak explicitly states that data extraction is an important feature, nowhere does it recite that data is extracted from different originating programs by some approach that filters independently of that originating program. Papierniak's provision of the questionnaire in this embodiment appears to make it unnecessary that any filtering of the messages operate in a manner that is independent of that originating software program; to do so is seen to complicate the Papierniak method with no apparent advantage or motivation to do so. Papierniak recites as col. 5, line 47 that the above method is a broad recitation of the more important Papierniak features.

Papierniak does address embodiments where data may originate from disparate sources (col. 12, lines 3-7 "incompatible sources"; col. 12, lines 32-37 "incompatible formats"; col. 12, lines 55-58 "whether the data is available in open, closed, or registered environments"; col. 12 line 67 "synthesize multiple sources of data"; col. 15, line 2 "data sources 316"; col. 17, lines 6-7 "data to populate WebWarehouse 302 originates from many sources"). In no instance is Papierniak seen to disclose that any of these disparate-sourced messages are filtered in a manner independent of a particular electronic commerce program that originated them. Papierniak does disclose that the user may set policy and operation parameters to allow options that may be used for data capture and collection at col. 12, lines 58-62, but detail as to how that data is captured and collected is not provided. It is not seen how Papierniak's lack of disclosure of the particular operation of the extraction software can be interpreted as disclosing the specific filtering of an e-commerce transaction as recited in each of the independent claims. The lack of specific disclosure instead presumes that any message filtering in Papierniak is within ordinary skill in the art

at the time of the Papierniak priority date, and no such ordinary skill is seen to include the claimed filter or manner of filtering. It is therefore asserted that Papierniak fails to teach every element of the independent claims as required by M.P.E.P. § 2131.

The standard for prior art specificity for an anticipation rejection is set forth at *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir., 1990) and reproduced at M.P.E.P. § 2131: "The identical invention must be shown in as complete detail as is contained in the ...claims". Neither Papierniak nor any additional cited reference is seen to disclose the claimed filter or method with that requisite specificity.

The Office Action further encourages the Applicant to review Cameron '378 (U.S. Pat. No. 5,592,378), Cameron '459 (U.S. Pat. No. 5,832,459), Wang (U.S. Pat. No. 6,662,226 B1), and Rebane (U.S. Pat. No. 6,662,192 B1), as being potentially pertinent but not cited for redundancy. These are not seen as additional references under which the claims are rejected under the single 102 rejection, as none are cited for any of the permissible multiple-reference circumstances of M.P.E.P. §§ 2131 and 2131.01: containing an enabling disclosure; explaining a term in the primary reference; or disclosing an inherent characteristic. Regardless, these other references have also been evaluated, and each is seen to exhibit the same lack of teaching noted above with respect to Papierniak. These additional references are reviewed only briefly below.

Cameron '378 is seen to disclose an (online) order entry system that is particular to a single business. No disclosure is seen to relate to filtering e-commerce messages/data in a manner independent of the originating software program.


Cameron '459 describes a source searching system and method for placing orders for offers. A source searching means includes a source filter to receive source search criteria. No disclosure is seen that the source filter operates in a manner independent of the offer/order originating software program.

Wang describes at col. 3, lines 34-45 that key features include capturing user displays and user interactions, storing them, and playback of the stored display for review of the user's interaction with his/her terminal. No disclosure is seen to relate to filtering the user displays or interactions in a manner independent of the originating software program

Rebane concerns collecting, evaluating, generating and presenting data related to e-commerce transactions, and specifically is directed to customer surveys attendant to those underlying transactions. No disclosure is seen to relate to filtering the data that is collected in a manner independent of the originating software program.

In light of the above arguments, Applicant respectfully requests that the Examiner reconsider the indefiniteness and anticipation rejections, and pass all of the pending claims, 1-2, 4-33, 35-45, and 48-80, to issuance without further delay. Applicant invites the Examiner to discuss any remaining concerns, if there be any, with the undersigned representative via telephone at his discretion.

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